

Gen. Ord. No. 61 - 10 - 11. By Alderperson VanderWeele. April 18, 2011.

AN ORDINANCE repealing and recreating Subsection 70-6(a)(2) of the Municipal Code so as to clarify the definition of an enclosed place in the statewide smoking ban.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. Subsection 70-6(a)(2) of the Municipal Code is hereby repealed and recreated to read as follows:

"Sec. 70-6. *Smoking prohibited.*

(a) Adoption of Statewide smoking ban.

...

(2) In addition to the definition of "enclosed place" set forth in Section 101.123, Wis. Stats., an enclosed place for the purposes of this ordinance shall include the following:

- a. All space between a floor and a ceiling that is bounded by walls, doors, or windows, whether open or closed, covering more than 75 percent of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent. A 0.011 gauge screen with an 18 by 16 mesh count is not a wall.
- b. All space within a restaurant, tavern, private club, or retail establishment that must be used by patrons in order to move between the primary serving area, the entrances and exits, and the restrooms.

..."

Section 2. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication.